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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
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of Minorities
Working Group on Indigenous Populations
Twelfth session
25-29 July 1994
Item 8 (b) of the provisional agenda

WORKING GROUP ON INDIGENOUS POPULATIONS

CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLE

Information received from Governments and
indigenous organizations

GE.94-13087 (E)

Introduction

1. The General Assembly in its resolution 48/163 of 21 December 1993 requested the Commission on Human Rights to give priority consideration to the establishment within the United Nations of a permanent forum for indigenous people. In its resolution 1994/28 of 4 March 1994, the Commission on Human Rights requested the Assistant Secretary-General for Human Rights to invite governments and indigenous organizations to express their views on this question, and to transmit to the Working Group on Indigenous Populations contributions received together with a technical note addressing institutional issues.

2. The technical note of the secretariat is contained in document E/CN.4/Sub.2/AC.4/1994/11. The present addendum contains the contributions received from governments and indigenous organizations as at 14 June 1994. Any other communications will be contained in further addenda to the secretariat note.

A. GOVERNMENTS

BENIN

[18 May 1994]
[Original: FRENCH]

In a letter dated 18 May 1994, the Republic of Benin expressed its support for the idea of a permanent forum for indigenous people in the United Nations system. It also expressed the wish that the forum be constituted on the basis of a broad number of indigenous organizations.

CANADA

[12 May 1994]
[Original: ENGLISH]

1. The Government of Canada looks forward with anticipation to the debate about a "permanent forum", which is placed on the agenda of the twelfth session of the Working Group on Indigenous Populations (WGIP). Representatives of indigenous people from around the world will then have the opportunity to set their objectives, to describe their needs and to discuss, in light of these, the appropriateness of existing human rights mechanisms of the United Nations, and other options. The Canadian Government hopes that, in order to assist the debate, the Centre for Human Rights will ensure the availability of United Nations experts in machinery of government who can contribute their knowledge of the organization, structure and operations of the United Nations system.

2. In the financial straits in which the United Nations finds itself, the need for new or additional bodies will require the most stringent examination. Canada shares with many other governments the view that every effort should be made to improve on the effectiveness and the efficiency of existing mechanisms of the United Nations before considering whether new and/or additional institutions ought to be created. With the imminent completion of its main task of drafting a declaration on the rights of indigenous people, the WGIP has the opportunity to concentrate on the task of reviewing developments to determine how States members of the Commission on Human Rights can best be advised regarding indigenous situations of international concern.

3. The WGIP process is unique in the United Nations system for the scope it offers to people to participate in public debate in their own right. Members of the WGIP have had access to this range of experience to develop, over the last 11 years, an expertise on indigenous matters that needs to be preserved as a basis for future activities. Even though its main task of drafting a declaration has been completed, there remains, in the opinion of some, other work which could find its way at a later date to an eventual working group of governments, to be established by the Commission, to consider the draft declaration. As well, the "developments" aspect of its mandate can be enhanced by the processes introduced during the International Year of the World's Indigenous People.

4. To mention but one process as an example, paragraph 2 of Commission resolution 1993/30 "recommends to all thematic rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people". This recommendation was reiterated in General Assembly resolution 48/133, and again in Commission resolution 1993/29, to emphasize that the purpose of the original resolution was meant to be permanent and not just for the international year. We are not aware of any attention being given as yet to this procedure by the members of the Working Group or by the other participants in that process.

5. In sum, the mandate of the WGIP provides sufficient flexibility to undertake any of the above and perhaps more if indigenous people so require. Should this not prove to be the case after some years of experience, its mandate could again be reviewed to determine how it ought to be or whether only a new body will do.

FINLAND

[24 May 1994]
[Original: ENGLISH]

1. Considering that the General Assembly in its resolution 48/163 of 21 December 1993 proclaimed the International Decade of the World's Indigenous People, and the eventual adoption in 1995 of the Declaration on the Rights of Indigenous People, the Government of Finland welcomes the proposal of the Commission on Human Rights to establish a permanent forum in the United Nations for indigenous people. Finland has actively contributed to the discussions on this issue at the World Conference on Human Rights in Vienna last year.

2. The Government of Finland suggests that the permanent forum be given the mandate to monitor and follow up the implementation of the Declaration, to carry on the research work in various sectors initiated by the existing Working Group on Indigenous Populations, as well as to act as a coordinating body within the United Nations on all issues related to indigenous peoples.

3. The Government of Finland considers it important that full participation by representatives of indigenous peoples in the work of the permanent forum is ensured at all times.

NETHERLANDS

[27 May 1994]
[Original: ENGLISH]

The Government of the Kingdom of the Netherlands believes that a permanent forum in the United Nations for indigenous people would be an appropriate instrument for enhancing the access of indigenous people to national and international mechanisms for legal protection and to other relevant forums. The envisaged permanent forum could also act as a kind of umbrella organization which would prevent the unworkable situation of all the 5,000 or so representatives of indigenous peoples wishing to attend the

meetings of the Working Group on Indigenous Populations. Furthermore, there is a need for a coordinating body for the International Decade of the World's Indigenous People. This body could also be charged with the task of stimulating the elaboration and adoption of a Universal Declaration on the Rights of Indigenous People and of coordinating other United Nations activities for promoting the interests of indigenous people.

NORWAY

[30 May 1994]
[Original: ENGLISH]

1. Norway supports the idea of establishing a permanent forum for indigenous peoples in the United Nations. In this connection it should be emphasized that the question of establishment of such a permanent forum should be treated in close consultation with indigenous peoples and organizations.

2. It must also be borne in mind that such a forum should reflect indigenous peoples' interests in various programmes and activities of the United Nations system, in particular human rights questions and programmes related to environment and development. Furthermore, it is the view of the Norwegian Government that both Governments and indigenous peoples should be represented in a permanent forum for indigenous peoples.

B. INDIGENOUS ORGANIZATIONS

CENTRO DE CULTURAS INDIAS, CHIRAPAQ, PERU

[12 May 1994]
[Original: SPANISH]

In a letter dated 12 May 1994, Chirapaq expressed satisfaction at the proposal to establish a permanent forum and suggested that the United Nations prepare a preliminary document looking at the following points: frequency; membership, the role of indigenous representatives, the role of Government representatives, financing and the role of the forum.

INSTITUTO QECHWA JUJUY MANTA

[16 May 1994]
[Original: SPANISH]

After hearing suggestions from local residents participating in the Quechua-language workshops in the towns of north-west Argentina, San Salvador de Jujuy, Tilcara, Purmamarca, Maimará and Humahuaca, we can inform you that:

(a) It is a sound idea to establish a permanent forum for indigenous peoples, but it must be attended by authentic indigenous representatives and not by the inveterate travellers who trade in our culture;

(b) The representatives must be people with established residence in the indigenous communities - Indians from the canyons, the Puna, the foothills

or the coast - and not people from Buenos Aires who say they are working for the "Indians", although they have so far done nothing at all to help us;

(c) The permanent forum should have an accounts panel to deal with financial matters, for this is an area in which the Indians of this part of the Argentine nation experience difficulties;

(d) After due consideration, we could accept 4 November every year as the International Day of Indigenous People because of that date's association with the blow struck for freedom by our immortal predecessor, José Gabriel Condorcanqui Tupac Amaru II and the magnitude of its repercussions and its meaning for us Indians.